

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAYED T. AUQELEY,)	
)	
	Plaintiff,)
)	
v.)	C.A. No.: 08-257-SLR
)	
BANK OF AMERICA)	
CORPORATION,)	
)	
	Defendant.)

ORDER

At Wilmington this day of 2008, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by September 4, 2008, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. Discovery.

(a) Discovery will be needed on the following subjects: (a) liability; (b) damages; and (c) any other matter that becomes relevant during discovery.

(b) All discovery shall be commenced in time to be completed by February 6, 2009.

(c) Maximum of ____¹ interrogatories by each party to any other party.

(d) Maximum of 20 requests for admission by each party to any other party.

(e) Maximum of ____ requests for production by each party to any other party.²

¹ Plaintiff proposes a maximum of 50 interrogatories. Defendant proposes a maximum of 30 interrogatories.

² Plaintiff proposes to add this paragraph with a maximum of 50 requests for production. Defendant proposes to add this paragraph with a maximum of 30 requests for production.

(f) Maximum of 10 depositions by plaintiff and 10 by defendant.

(g) Each deposition shall be limited to a maximum of one day of seven hours, except that the deposition of the plaintiff shall be limited to ten hours, unless extended by agreement of parties.

(h) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by October 31, 2008. Rebuttal expert reports due by December 19, 2008.

(i) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before November 14, 2008.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before March 6, 2009. An answering brief shall be filed on or before March 27, 2009, and a reply brief shall be filed on or before April 10, 2009. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. Motions in Limine. All motions *in limine* shall be filed on or before _____, 2009, and all responses thereto shall be filed within one week of that date.³

8. Pre-trial Conference.⁴ _____ pretrial conference to be held in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. Trial.⁵ _____ a four-day jury trial, to be held in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware.

UNITED STATES DISTRICT JUDGE

³ Defendant propose that this paragraph be omitted.

⁴ Plaintiff proposes that a date and time for the pretrial conference be included in the Scheduling Order. Defendant proposes that a date and time for the pretrial conference be scheduled after dispositive motions have been decided.

⁵ Plaintiff proposes that a date and time for the trial be included in the Scheduling Order. Defendant proposes that a date and time for the trial be scheduled after dispositive motions have been decided and offer that it be scheduled at the pretrial conference.